

**INDIANA LAND RESOURCES COUNCIL**  
**Model Ordinance Listening Sessions**  
**Summary of Comments**

**I. PROCESS / GENERAL COMMENTS**

- Timeline is too short. Need more time for public input. Not enough notice for response. Not sufficiently publicized. Need to consult all land use experts in state.
- Work done by staff behind closed doors. No working meetings.
- Designed for industrial livestock to move into rural areas.
- Should be titled "minimal recommendations" not "model ordinances".
- Council should be considering environmental issues and farmland preservation.
- Need a summary of IDEM regulation in relation to local regulation.
- Need a clear acceptance by ag sector that CAFOs are intense uses, strategic decisionmaking in siting, and management of neighbor relations.
- These will be a good tool for counties in revising their ag zoning to bring compatibility between ag and urban uses.
- County needs to figure out what is best for their county and try to build consensus. Need to make process open.
- Today's agriculture cannot be small like it used to be and we need to recognize producers using the best technology.
- Model ordinances are infringing on rights of counties to make decisions for themselves.
- Need to emphasize these are separate proposals. There should be a users manual of how these ordinances are to be implemented and a spreadsheet of what each ordinance regulates.

**I. ENVIRONMENTAL**

**A. GENERAL**

- Need to consider well water contamination, air quality, where manure is spread, and inspections. Biggest concern is air and water quality.
- Ordinances don't protect people, wildlife, air, land and environment.
- Factory farms put burden of pollution on the public.
- CAFO owners have too much power because they own elevators, ethanol plants, and in the future, power plants.
- Should wait until Johns Hopkins study completed before allow CAFOs.

**B. WATER QUALITY**

- All applicants should establish baseline water quality data in vicinity of the proposed operation.
- Not enough monitoring and regulations for large factory farms. Should be regulated like an industry, not a farm.
- Should be same standards as large producers of toxic waste.

- Where are we going to put all the manure?
- Antibiotics and growth hormones will leach into the ground water
- Advocate a moratorium on CAFOs to prevent problems experienced in other states.
- Site scoring system doesn't consider water table or soil type.
- CAFOs contaminate our lakes, rivers, drinking water sources, and watersheds with pathogens and chemicals. These impacts should be considered in siting.
- No CAFO in floodplain or in sandy / gravel soil.
- Elevated nitrates in drinking water causes blue baby syndrome.
- Ordinances do not address setbacks from water features and design requirements. They ignore water quality problems.
- We have the research to develop good performance standards. Farmers are applying manure under guise of fertilization.
- Why do they always build CAFOs near water sources?

### C. AIR QUALITY

- Ammonia, hydrogen sulfide, and global warming gases are produced in CAFOs.
- Setbacks should not be proposed until EPA air study is done.

## II. ANIMAL WELFARE

- Animals must live in unhealthy and crowded conditions. They are kept alive by overuse of antibiotics.

## III. ECONOMIC

- People will stop moving to the counties with CAFOs (no kids in schools).
- Ordinances are too protective of the CAFO industry.
- Significant loss of residential property values (setback should be 3 miles).
- Putting economic development over quality of life.
- ILRC should provide tools to evaluate whether local economic interests are compatible with agribusiness.

## IV. LAND USE AND ZONING

### A. GENERAL

- Zoning is about separation of uses. About "where" an activity takes place, not "how" it takes place.
- This is not a land use issue, but instead a health issue.
- Determination of growth patterns should occur before CAFOs allowed.
- CAFOs are coming into counties despite many opponents.
- Amount of CAFOs should be based on land ratios.
- Since economic development funding is controlled by state, counties are under pressure to comply with wishes of the state. State favoring confined feeding over other forms of livestock production.

- There should be notice to all neighboring land owners where manure will be applied.
- All CAFO siting decisions should require a public hearing. Need to site on an individual basis (i.e. special exception).
- Roads will deteriorate (they are chip and seal not built to withstand heavy trucks).
- Needs to be more focus on hardwoods.
- Reciprocal setbacks should apply regardless of livestock facility size.
- Need to prohibit expansion of existing CFOs / CAFOs. Producers need ability to expand to keep the family farm.
- End product should protect property rights for all.
- Manure Application → Manure is spread too close to houses (odor and fly concerns). No applying in karst area. Ordinances ignore manure handling and application,
- Odor → Should prohibit malodorous substances from crossing property line. Odor can be detected 5 miles away. Odor is a logarithmic function. Should require injection, impervious covers over liquid storage, and biofilters.
- Setbacks → Not large enough (residences, residential districts, 100 feet from county road) and not science based. Should be 2 mile buffer for towns. Setbacks should not be structure to structure. Setbacks are sufficient. Setbacks should be a range versus a set number, and should be a scientific reason to adjust outside of suggested ranges.
- There should not be a requirement that CAFOs have an IDEM permit.

## B. MULTI TIERED AG ZONES

- Takes away landowner's rights to sell land as see fit. Should be able to sell three acres parcels for development, and not be required to sell only as farmland. Density should be 2 - 3 acres per dwelling.
- Difficult to stop residential development in rural areas because the people wanting to move into these areas have more votes than farmers. Need to work with cities and towns so it's not cheaper to build in rural areas.
- Differential tax paid if a non conforming use (i.e residence in ag zone).
- Expansion of pre existing CFO / CAFO should be permitted if good track record.
- Doesn't protect existing residents in ag zones. Won't work because of existing residences.
- Subdivisions should be permitted in general ag zones and CAFOs should be excluded.
- Reducing development will hurt schools.
- Developers building in ag zones should fund remediation of impacts.
- Ag clause and deed restriction → What constitutes "negligent"? Prevents right of redress in court. Should not limit nuisance suits. Won't be able to sell property and lenders won't grant a mortgage. Will not work or hold up in court.

- Farm Related → Will not work. Who will monitor? Provision for farm workers should not be allowed. Should be all residences, not just farm related. Should be an exception for all family members, not just those involved in farm operation.

#### C. SITE SCORING

- Good system because it awards producer for good performance and preventive practices.
- Plan director needs to be well educated and monitored for fairness and objectivity.
- Minimum point requirement too low (smell and health effects 1 mile away). Should wait until air study is completed (setbacks are arbitrary).
- Financial stability of applicant should be considered (include a bond requirement).
- Closure plan requirements not specific enough.
- Should reward those willing to invest in improved technologies for manure handling and wastewater treatment.
- Score should be higher for additional property taxes, community support, and economic value.
- Should be able to get points for doing 2 abatement measures in the same tier.
- Criteria 5 should have an option for producers who sell their manure.

#### D. LIMITED USE WITH DEVELOPMENT STANDARDS

- Subjective and open to abuse and too few people in charge.
- Land application are should not be excluded from floodplain rule.
- 437.1 should be greater radius of operation
- 437.6 setbacks are not large enough
- 436.7 should have a specific height for trees / shrubs (arbitrary)
- Local approval should not be contingent on pending IDEM violations.